
STATUTORY INSTRUMENTS

2001 No. 3950

The Registered Designs (Amendment) Rules 2001

Citation and commencement

1. These Rules may be cited as the Registered Designs (Amendment) Rules 2001 and shall come into force on 9th December 2001.

Amendment of the Registered Designs Rules 1995

2. The Registered Designs Rules 1995 ^{M1} shall be amended as follows.

Marginal Citations

M1 [S.I. 1995/2912](#) as amended by [S.I. 1999/3196](#).

3. In rule 2 (interpretation), for the definitions of “specimen” and “textile article” there shall be substituted—

““specimen” means a product to which a design is applied or in which it is incorporated;

“textile product” means textile and plastics piece goods, handkerchiefs, shawls and such other classes of products of a similar character as the registrar may from time to time decide; but does not include wallpaper and similar wall covering or lace goods;”

4. Rule 13 shall be omitted.

5. For rule 14 there shall be substituted—

*“ Product to which design is intended to be applied
or in which it is intended to be incorporated*

14.—(1) Every application shall specify the product to which the design is intended to be applied or in which it is intended to be incorporated.

(2) If any question arises as to whether—

(a) a design is intended to be applied to, or incorporated in, textile products, wallpaper or similar wall covering or lace; or

(b) a product to which a design is intended to be applied or in which it is intended to be incorporated is made substantially of lace; or

(c) a design intended to be applied to, or incorporated in, a textile product consists substantially of checks or stripes,

it shall be decided by the registrar.

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(3) Nothing in paragraph (1) of this rule shall be taken to limit the scope of protection conferred by registration of a design.”

6.—(1) Rule 15 shall be amended as follows.

(2) For the heading there shall be substituted “Partial disclaimers in relation to applications”.

(3) For paragraph (1) there shall be substituted—

“(1) An application may be accompanied by a partial disclaimer, in a form satisfactory to the registrar, indicating that the design is the appearance of a part only of a product or limiting the scope or extent of protection of the design to be conferred by registration.”

(4) In paragraph (2), for the word “statement”, where it first appears, there shall be substituted “disclaimer” and the words “and it shall be separate from any other statement or disclaimer” shall be omitted.

7. Rule 16 shall be omitted.

8. In rule 17, the words from the beginning to “articles,” shall be omitted.

9. After rule 17 there shall be inserted—

“ Descriptions explaining representations

17A. A brief description explaining the representations may appear on the front of the first sheet only of each representation or specimen (except where the registrar is satisfied that this is impracticable in which case it shall appear in a place and in a form satisfactory to the registrar) but any such description shall not be taken to limit the scope of protection conferred by registration of a design.”

10. Rule 18 shall be omitted.

11. In rule 19, the words “, whether to be applied to a single article or to a set of articles,” shall be omitted.

12. Rules 22 and 24 to 26 shall be omitted.

13. In rule 32, the words from “provided always that” to the end of the rule shall be omitted.

14. Rules 34 and 35 shall be omitted.

15. In rule 36—

(a) for the words “section 3(6)” there shall be substituted “ section 3(5) ”; and

(b) for the words “rule 34 above” there shall be substituted “ section 3B(3). ”

16. After rule 36 there shall be inserted—

“MODIFICATION OF APPLICATIONS FOR REGISTRATION

Period prescribed for the purposes of section 3B(3)

36A. The period prescribed for the purposes of section 3B(3), which relates to the making of a subsequent application for the registration of a design excluded from an earlier application, shall be the shorter of—

- (1) the period prescribed by rule 36 above for the completion of the earlier application (including any extension of time allowed under the said rule 36); and
- (2) the period starting with the making of the earlier application and ending on the date on which the certificate of registration of the design which is the subject of the earlier application (as amended) is granted.”

17. The heading above rules 52 to 57 shall be amended as follows—

- (a) for the words “Compulsory Licence under Section 10 or Cancellation” there shall be substituted “Invalidation”; and
- (b) for the words “Section 11(2) or (3)” there shall be substituted “Section 11ZB”.

18. Paragraph (1) of rule 52 shall be amended as follows—

- (a) for the words “the grant of a compulsory licence under section 10 or for the cancellation” there shall be substituted “the invalidation”; and
- (b) for the words “section 11(2) or (3)” there shall be substituted “section 11ZB”.

19. In the heading above rule 58, for the words “Section 11(1)” there shall be substituted “Section 11”.

20. Rule 59 shall be omitted.

21. In paragraph (2) of rule 60, for the words “the grant of a compulsory licence or for the cancellation” there shall be substituted “the invalidation”.

22. In rule 68, the words “and any such evidence as is mentioned in section 5(2)(b)” shall be omitted.

23. Rule 69 shall be amended as follows—

- (a) for the words “to be applied to textile articles” there shall be substituted “intended to be applied to, or incorporated in, textile products”; and
- (b) for the words “to be applied to”, in the second place where they appear, there shall be substituted “intended to be applied to, or incorporated in”.

24. Rule 71 shall be amended as follows—

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- (a) for the words “ an article” there shall be substituted “ , or incorporated in, a product ”; and
- (b) for the words from “as applied to that article” to “applied to that or any other article” there shall be substituted “ appears to produce on the informed user the same overall impression as any registered design ”.

25.—(1) Rule 76 shall be amended as follows.

(2) In paragraph (3), for the words from “of time” to “section 6(2)” there shall be substituted “ prescribed by rule 36A above ”.

(3) In paragraph (4)—

- (a) in sub-paragraph (b), the words “6(2) or” shall be omitted; and
- (b) in sub-paragraphs (c) and (ii) for the words from “of time” to “rule 34(1)(b) above” there shall be substituted “ prescribed by rule 36A above ”.

26. Designs Forms 2A, 19A and 21 in Schedule 1 are replaced by Designs Forms 2A, 19A and 21 in the Schedule to these Rules.

Transitional provisions

27. The amendments, revocations and insertions made by rules 3 to 12, 14 to 16 and 25 of these Rules and the substitution of a new Designs Form 2A made by rule 26 of these Rules shall not apply in relation to any applications for registration under the Registered Designs Act 1949 which have been made but not finally determined before the coming into force of these Rules (“pending applications”).

28.—(1) This rule applies to any registration under the Registered Designs Act 1949 which—

- (a) results from the determination of a pending application (within the meaning of rule 27) (“transitional registration”); or
- (b) has resulted from an application made before the coming into force of these Rules which has given rise to a right in a registered design which is in force at the coming into force of these Rules (“existing registration”) including—
 - (i) any registration which has ceased to fall within sub-paragraph (a) of paragraph (1) of rule 29 below because the right in the registered design has been treated or restored as mentioned in sub-paragraph (ii) of that sub-paragraph; and
 - (ii) any registration which has ceased to fall within sub-paragraph (b) of paragraph (1) of rule 29 below because the copyright in the registered design has come back into force by virtue of an extension of the period of copyright under section 8(2) of the Registered Designs Act 1949 as amended by regulation 13(8) of the Registered Designs Regulations 2001 ^{M2}.

(2) Subject to paragraph (3), the amendments and revocations made by rules 3, 13 to 14, 17 to 19, 21 and 23 of these Rules and the substitution of a new Designs Form 19A made by rule 26 of these Rules shall not apply in relation to transitional or existing registrations.

(3) The amendments, revocations and substitution mentioned in paragraph (2) above shall apply in relation to transitional and existing registrations in so far as such amendments, revocations and substitution relate to applications for the grant of a compulsory licence under section 10 of the Registered Designs Act 1949 or for cancellation of the registration of a design under section 11(3) of that Act (in each case as that Act has effect immediately before the coming into force of the

Registered Designs Regulations 2001) unless such cancellation is by reference to an expiry of copyright occurring before the coming into force of these Rules.

Marginal Citations

M2 [S.I. 2001/3949](#).

29.—(1) This rule applies to—

- (a) any registration under the Registered Designs Act 1949 which—
 - (i) has resulted from an application made on or after 1st August 1989 and before the coming into force of these Rules; and
 - (ii) has given rise to a right in a registered design which is not in force at the coming into force of these Rules but which is capable of being treated as never having ceased to be in force by virtue of section 8(4) of the Registered Designs Act 1949 or of being restored by virtue of sections 8A and 8B of that Act;
- (b) any registration under the Registered Designs Act 1949 which—
 - (i) has resulted from an application made before 1st August 1989; and
 - (ii) has given rise to a copyright in a registered design which is not in force at the coming into force of these Rules but which would be capable of coming back into force by virtue of an extension of the period of copyright under section 8(2) of the Registered Designs Act 1949 if that provision were amended as set out in regulation 13(8) of the Registered Designs Regulations 2001; and
- (c) any former registration under the Registered Designs Act 1949 which resulted from an application made before the coming into force of these Rules.

(2) The amendments and revocations made by rules 14, 17 to 19 and 21 of these Rules and the substitution of a new Designs Form 19A made by rule 26 of these Rules shall not apply in relation to lapsed and former registrations as mentioned in paragraph (1) so far as the amendments and revocations relate to the cancellation or invalidation of any such registration (other than cancellation by virtue of section 11(3) of the Registered Designs Act 1949 as it has effect immediately before the coming into force of the Registered Designs Regulations 2001 unless such cancellation is by reference to an expiry of copyright occurring before the coming into force of these Rules).

30. The revocation made by rule 22 of these Rules shall not apply in relation to any evidence filed in support of an application made before the coming into force of these Rules.

Melanie Johnson,
Parliamentary Under-Secretary of State for
Competition, Consumers and Markets
Department of Trade and Industry

8th December 2001

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Changes and effects yet to be applied to :

- Instrument rev (with transtl provns) by [S.I. 2006/1975 rule 47sch 3](#)